

Remarks

As a preliminary matter, Applicant respectfully requests the Examiner to provide suggestions or constructive comments regarding claimed material that the Examiner may believe to be allowable subject matter if properly claimed as permitted by MPEP 707.07(j)(II).

Election/Restrictions

Due to the Examiner's restriction/election requirement, Applicant elects claims 1-12 and 19 without traverse. Applicant reserves all rights to deleted claims 13-18 and specifically reserves the right to file claims 13-18 in another patent application.

Claim Rejection – 35 USC § 101

The OA rejected claims 1-12 and 19 as being directed to non-statutory subject matter. Applicant respectfully traverse this rejection.

The OA acknowledges on page 6 that *In re Bilski* permits method claims under 35 USC 101 that are tied to a "particular machine."

Claim 1, element A) includes the limitations of a "Facilitator's web site" and "the Internet." Steps B) and C) are specifically recited as being performed on the "Facilitator's web site."

Claim 7, element A) includes the limitations of a "Facilitator's web site" and "the Internet." Steps B) and D) are specifically recited as being performed on the "Facilitator's web site."

Claim 19, element A) includes the limitations of a "Facilitator's web site" and "the Internet." Steps D) and E) are specifically recited as being performed on the "Facilitator's web site."

Applicant submits that "the Internet" is a "particular machine" under *In re Bilski*. In fact, since there is only one Internet (capital "I") in the world, it is hard to imagine how the limitation of "the Internet" could be any more "particular." The identification of a singular machine is clearly "particular."

In addition, the Internet is possibly the most complex "machine" ever created by humans. It includes massive amounts of the most sophisticated communication hardware equipment ever

combined into a single integrated system. Thus, as long as words have meaning, “the Internet” is clearly a highly sophisticated and complex “machine.”

Further, since multiple steps of each of the independent claims are performed on the “Facilitator’s web site,” those of ordinary skill in the art would recognize that the limitation of “the Internet” is an essential and necessary component of the claimed process. Specifically, the steps performed on the “Facilitator’s web site” (steps B) and C) for claim 1, steps B) and D) for claim 7, and steps D) and E) for claim 19) could not be performed without “the Internet” and thus “the Internet” cannot reasonably be considered insignificant or part of an extra-solution activity.

Combining all of these facts together, Applicant respectfully submits that the limitation of “the Internet” is a “particular” “machine” that is also an essential and necessary component of the claimed processes. Thus, Applicant respectfully requests the withdrawal of the 35 USC 101 rejection as all independent claims are necessarily tied to a particular machine.

Applicant would like to add that the doctrine of equivalence (DOE) should still be applied to the limitation of “the Internet” in the same manner as the doctrine of equivalence would be applied to any other particular machine recited in any other claim in any other patent. Applicant’s arguments are merely pointing out that “the Internet” is a necessary particular machine in the context of the pending claims as required by *In re Bilski* and this argument is not otherwise limiting the scope of the limitation “the Internet.”

Claim Rejection – 35 USC § 102

I. Cohen does not disclose assisting an Entrepreneur on the Facilitator’s web site in designing an Entrepreneur’s web site.

Independent claims 1, 7 and 19 include the steps of designing the Entrepreneur’s web site on the same web site that the Entrepreneur’s store front web site is designed (steps B) and C) for claim 1, steps B) and D) for claim 7 and steps D) and E) for claim 19), i.e. both steps recite that the Facilitator’s web site is used. In contrast, Cohen does not disclose designing the Entrepreneur’s web site on the same web site that the Entrepreneur’s store front is designed. Thus, since every step is not disclosed by Cohen, Applicant respectfully requests the withdrawal of the 35 USC 102 rejection.

II. Cohen does not disclose designing the Entrepreneur's web site and store front web site using the same template (claims 1 and 19) or stored set of data (claim 7).

Independent claims 1 and 19 include the limitation of using the same template for the Entrepreneur's web site and for the Entrepreneur's store front web site (step D) for claim 1 and step F) for claim 19). Claim 7 includes the limitation of using the same set of data for the Entrepreneur's web site and the Entrepreneur's store front web site (step c) in claim 7).

In contrast to the claimed invention, Cohen teaches using "generic" templates for its store front design as shown by the following quotes from Cohen:

- * Cohen's abstract, lines 9-11 states "[t]he page generator creates the active server pages from a set of templates that are generic to formation of an online storefront." (underlining added)
- * Cohen at col. 3, lines 14-16 states "[t]he page generator creates the active server pages from a set of templates that are generic to formation of online storefronts." (underlining added)
- * Cohen at col. 4, lines 38-40 states "[t]he page generation system generates custom Web pages from templates that are generic to a variety of Web sites." (underlining added)
- * Cohen at col. 8, lines 31-33 states "[t]he store builder module 46 includes a library of active server templates 132 that are generic for a variety of merchant storefronts." (underlining added)

Not only does Cohen not teach designing the Entrepreneur's web site and store front web site using the same template (claims 1 and 19) or set of data (claim 7), Cohen repeatedly teaches away from the claimed limitation by teaching using templates that are "generic to formation of an online storefront," "variety of Web sites" or "merchant storefront." Thus, since every step is not disclosed by Cohen, Applicant respectfully requests the withdrawal of the 35 USC 102 rejection.

III. The "substantially similar" statements have been removed.

The OA near the middle of page 9 notes that the claims refer to "substantially similar" templates as well as "substantially similar" other limitations. Applicant has amended claims 1-6, 8-12 and 19 to remove the phrase "substantially similar" without disclaiming the DOE. As specific examples, independent claims 1 and 19 have been amended so they now state the limitation of using "the same template" as opposed to "substantially similar templates." Applicant thus requests the removal of this objection to the claims.

IV. The “wherein” statement in independent claims 1, 7 and 19 have been removed.

The OA near the middle of page 9 also states that “the ‘wherein’ statement raises questions as to the limiting effect of the language that follows it and does not appear to limit the claim language.” Applicant respectfully disagrees since the “wherein” statements do more than merely recite an intended result.

Nevertheless, in order to remove the objection and towards an early allowance, Applicant has deleted the “wherein” statements in claims 1, 7 and 19 and replaced the “wherein” statements with an additional positively recited step (step D) in claim 1, step E) in claim 7, and step F) in claim 19). Applicant thus requests the removal of this objection to the claims.

V. Dependent claims 2-6 and 8-12 should be allowed.

Independent claims 1 and 7 are believed allowable as shown above. Claims 2-6 depend from claim 1 and claims 8-12 depend from claim 7. Thus, dependent claims 2-6 and 8-12 should be allowed at least for this reason.

CONCLUSION

All claims currently present in this application are believed allowable over all of the art of record and prompt further examination of the application and its allowance are respectfully requested. Any questions or suggestions regarding the application submitted herewith should be directed to the undersigned attorneys for Applicant at the telephone number listed below or by email to the email address listed below.

Respectfully submitted,

The Go Daddy Group, Inc.

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